

**UNITED STATES DISTRICT COURT
OF THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MARJORIE TAYLOR GREENE, an individual,

Plaintiff,

v.

MR. BRAD RAFFENSPERGER, in his official capacity as Georgia Secretary of State, **MR. CHARLES R. BEAUDROT**, in his official capacity as an Administrative Law Judge for the Office of State Administrative Hearings for the State of Georgia, **JOHN DOE 1**, in his official capacity, and **GOVERNMENT ENTITY 1**,

Defendants.

Civ. No. 1:22-cv-01294-AT

**PLAINTIFF’S MOTION TO EXPEDITE HEARING ON TEMPORARY
RESTRAINING ORDER**

Pursuant to Federal Rules of Civil Procedure 65 and Local Rule 7.2(B), Plaintiff Marjorie Taylor Greene (“**Rep. Greene**”) moves for this Court to consider and hold a hearing on Plaintiff’s Emergency Motion for Temporary Restraining Order (ECF No. 4) on an expedited basis.

**Mot. To Expedite
TRO**

This case concerns the constitutionality of the Georgia's statute, which allows any elector ("**Challenger**") who is eligible to vote for a candidate to "challenge the qualifications of the candidate by filing a written complaint with the Secretary of State giving the reasons why the elector believes the candidate is not qualified to seek and hold the public office for which he or she is offering." O.C.G.A. § 21-2-5 ("**Challenge Statute**").

In Rep. Greene's good faith effort to expedite this case, Plaintiff's Counsel sent, via email, all pleadings to Defendants immediately after filing. Accordingly, all parties were notified of the case immediately after filing. Bot named Defendants will be served service of process on April 4, 2022.

Request for Expedited Schedule

Rep. Greene will be irreparably harmed unless this matter is expedited. The Challenge Statute violates Rep. Greene's constitutional rights.

Rep. Greene currently serves as a Member of the U.S. House of Representative, for Georgia's 14th congressional district. Rep. Greene filed hers candidacy, for the upcoming midterm elections, for Georgia's 14th congressional district on March 7, 2022. Ver. Compl., ¶ 10.

On March 24, 2022, several Challengers filed a Challenge against Rep.

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Greene. Greene Challenge, ECF No. 3-1. The Greene Challenge stated that Rep. Greene “does not meet the federal constitutional requirements for a Member of the U.S. House of Representatives and is therefore ineligible to be a candidate for such office.” *Id.* at ¶ 31. The Greene Challenge was based upon claims that Rep. Greene “aided and engaged in insurrection to obstruct the peaceful transfer of presidential power, disqualifying her from serving as a Member of Congress under Section 3 of the 14th Amendment and rendering her ineligible under state and federal law to be a candidate for such office.” *Id.* at 32; *see also* U.S. Const. amend. XIV, § 3. Rep. Greene vigorously denies she “aided and engaged in insurrection to obstruct the peaceful transfer of presidential power against the United States,” but this litigation is not based in Rep. Greene’s factual defenses. Instead, this matter is before the court based upon various constitutional challenges to the Georgia Challenge Statute itself.

The primary election is scheduled to take place in Georgia on Tuesday, May 24, 2022. Ver. Compl., ¶ 38. Counties may begin mailing absentee ballots as soon as April 25, 2022. Ballots will need to be printed before then, with enough time to be distributed to counties in order to give counties time to prepare any early requests for by-mail ballots.

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Without expedited review of this case, the primary (and likely, the general election) will occur without resolution of the constitutional question. Defendants, under the Challenge Statute in question, could prevent Rep. Greene's name from appearing on the ballot if they determine she is "unqualified" to run for Congress based upon the Challenge to her candidacy. Because of the fundamental rights at stake and the urgency of the election cycle, this case must be resolved expeditiously.

WHEREFORE, for the foregoing reasons, Plaintiff moves that this Court to consider and hold a hearing on Plaintiff's Emergency Motion for Temporary Restraining Order (ECF No. 4) on an expedited basis.

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Dated: April 4, 2022

/s/ Kurt R. Hilbert

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Respectfully Submitted,

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* Motions for *Pro hac vice* admission
forthcoming

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Certificate of Compliance

The undersigned counsel certifies that the foregoing has been prepared in Times New Roman (14 point) font, as required by the Court in Local Rule 5.1(B).

Respectfully submitted on April 4, 2022.

/s/ Kurt R. Hilbert
Attorney for Plaintiff

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Certificate of Service

I hereby certify that on April 4, 2022, a copy of the foregoing document was served upon the following persons by email, and Defendants were served according the Federal Rules of Civil Procedure:

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